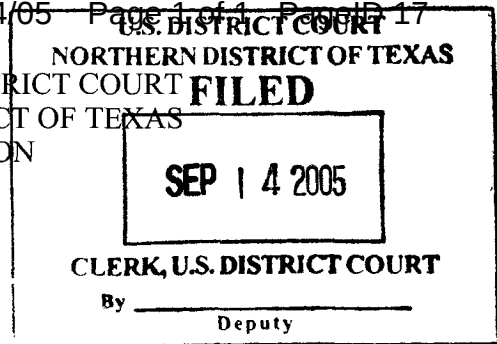


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



DANNY EARL BURNS,

Petitioner,

v.

DOUGLAS DRETKE, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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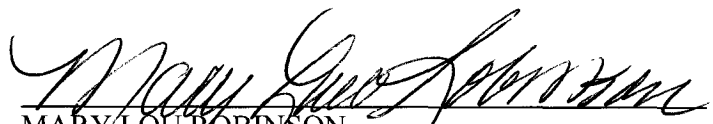
**ORDER ADOPTING REPORT AND RECOMMENDATION and  
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came this day for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On August 26, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed for failure to exhaust state court remedies. As of this date, petitioner has not filed objections to the Magistrate Judge's Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 13<sup>th</sup> day of September 2005.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE